

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

KOKO Development, LLC,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Phillips & Jordan, Inc.,)	
DW Excavating, Inc., and)	
Thomas Dean & Hoskins, Inc.,)	
)	
Defendants,)	
)	Case No. 1:20-cv-129
and)	
)	
Phillips & Jordan, Inc.,)	
)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
BKW, Inc.,)	
)	
Third-Party Defendant.)	

On May 18, 2022, Plaintiff filed a Motion For Extension of Expert Witness Deposition Deadline. (Doc. No. 63). The deadline to complete discovery depositions of expert witnesses was May 21, 2022. Plaintiff requests that the court extend the deadline by 90 days, asserting:

Despite several e-mails from Plaintiff’s counsel to counsel for the Defendants and Third-Party Defendant requesting available dates for expert deposition, the only response received was from BKW, Inc.’s attorney indicating that he is working on getting dates from his client.

(Id.).

On May 26, 2022, defendants filed a response in opposition to plaintiff’s motion. (Doc. No. 67). They assert that plaintiff has not demonstrated good cause to warrant the proposed extension.

The court, having reviewed the record and in the exercise of its discretion, is inclined to extend the deadline to depose experts. Based on plaintiff's representation that it has encountered difficulty in obtaining dates on which to conduct discovery depositions of expert witnesses, the court finds that there is good cause to extend the deadline. Moreover, the extension proposed by plaintiff will not prejudice the other parties.

Accordingly, plaintiff's motion (Doc. No. 63) is **GRANTED**. The parties shall have until August 22, 2022, to complete discovery depositions of experts witnesses.

IT IS SO ORDERED.

Dated this 27th day of May, 2022.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court